



09/547,543

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Jeffrey Robert Budd et. al	Examiner:	David J. McCrosky
Serial No.:	09/547,543	Group Art Unit:	3736
Filing Date:	April 12, 2000	Docket No.:	1931
Title	Method for Mapping Heart Electrophysiology		

Date of Deposit: 5-27-04

I hereby certify that this paper is being deposited in the United States Postal Service, as first class mail, in an envelope addressed to: Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450

Signature: Mary S. Keller
Printed Name: Mary S. Keller

RESPONSE AND REQUEST FOR SUSPENSION
OF PROSECUTION UNDER 37 C.F.R. 1.103Commissioner for Patents
Alexandria, VA 22313

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TECHNOLOGY CENTER R3700

This is responsive to the outstanding Office Action mailed January 27, 2004. Applicant requests suspension of prosecution under 37 C.F.R. 1.103 for three months. The fee required by 1.117(i) is enclosed. The Examiner has rejected the claims in the present application under §103 citing the Applicant's own prior U.S. Patent 5,553,611. Without commenting on the substance of the Examiner's rejection Applicant requests a suspension of prosecution of this case to determine whether or not the cited reference is in fact prior art against the Applicant's current case. As noted by the Examiner, a reexamination has been requested for U.S. Patent 6,240,307 to permit a claim of copendency with the cited reference, thus removing the availability of the '611 patent.

With regard to the provisional double patenting rejection, Applicant would prefer to address the propriety of a terminal disclaimer once there is an indication of allowable subject matter. The reason for this is that any further rejection of the claim and associated amendment may cause the claim scope to depart from that present in the case and may negate the propriety of a double patenting rejection.

Respectfully submitted,
ENDOCARDIAL SOLUTIONS, INC.
By its attorneys:

Date: 5/27/09



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